

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30				1. REQUISITION NUMBER 1000058526		PAGE 1 OF 14	
2. CONTRACT NO. SPE2DS-21-D-0005		3. AWARD/EFFECTIVE DATE See Block 31C		4. ORDER NUMBER		5. SOLICITATION NUMBER SPE2DS-17-R-0002	
7. FOR SOLICITATION INFORMATION CALL:		a. NAME				b. TELEPHONE NUMBER (No collect calls)	
						8. OFFER DUE DATE/ LOCAL TIME 2018 MAY 10	
9. ISSUED BY DLA TROOP SUPPORT MEDICAL SUPPLY CHA N MD SURG FSF 700 ROBBINS AVENUE PH LADELPHIA PA 19111 USA Local Admin: Brian Mason PDPSEC2 Tel: Email:				10. THIS ACQUISITION IS <input checked="" type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: _____ % FOR: <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> WOMEN-OWNED SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> EDWOSB NAICS: 327992 <input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS <input type="checkbox"/> 8 (A) SIZE STANDARD:500			
11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input checked="" type="checkbox"/> SEE SCHEDULE		12. DISCOUNT TERMS Net 15 days		13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) <input type="checkbox"/>		13b. RATING	
15. DELIVER TO SEE SCHEDULE		16. ADMINISTERED BY SEE BLOCK 9 Criticality: PAS : None		14. METHOD OF SOLICITATION <input type="checkbox"/> RFQ <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP			
17a. CONTRACTOR/ OFFEROR TQM, LLC DBA TWO RIVERS MEDICAL 35 TEDWALL CT GREER SC 29650-4791 USA TELEPHONE NO.		18a. PAYMENT WILL BE MADE BY DEF FIN AND ACCOUNTING SVC BSM P O BOX 182317 COLUMBUS OH 43218-2317 USA		16. ADMINISTERED BY CODE SPE2DS			
<input type="checkbox"/> 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER		18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED. <input type="checkbox"/> SEE ADDENDUM					
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES			21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	See Schedule						
25. ACCOUNTING AND APPROPRIATION DATA						26. TOTAL AWARD AMOUNT (For Govt. Use Only) 	
<input type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52 212-1, 52 212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA <input checked="" type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52 212-4. FAR 52.212-5 IS ATTACHED. ADDENDA						<input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED. <input checked="" type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.	
<input checked="" type="checkbox"/> 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN 1 COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED						<input checked="" type="checkbox"/> 29. AWARD OF CONTRACT: REF. SPE2DS17R0002 OFFER DATED 2020-Nov-09 YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH , HEREIN IS ACCEPTED AS TO ITEMS: SEE SCHEDULE WITHIN	
CONTRACTOR 				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER) 			
(Type or Print) Will Jamison, Associate General Counsel				30c. DATE SIGNED 24 April 2021		31b. NAME OF CONTRACTING OFFICER (Type or Print) Eileen Motta	
				31c. DATE SIGNED 2021 MAY 04			

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT

32a. QUANTITY IN COLUMN 21 HAS BEEN

☐ RECEIVED ☐ INSPECTED ☐ ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: _____

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32c. DATE

32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE

33. SHIP NUMBER

34. VOUCHER NUMBER

35. AMOUNT VERIFIED
CORRECT FOR

36. PAYMENT

37. CHECK NUMBER

☐ PARTIAL ☐ FINAL

☐ COMPLETE ☐ PARTIAL ☐ FINAL

38. S/R ACCOUNT NO.

39. S/R VOUCHER NUMBER

40. PAID BY

41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT

42a. RECEIVED BY *(Print)*

41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER

41c. DATE

42b. RECEIVED AT *(Location)*

42c. DATE REC'D *(YY/MM/DD)*

42d. TOTAL CONTAINERS

Part 12 Clauses*1. NOTE REGARDING SF 1449*

- **Block 25:** *Accounting and Appropriation Data: BX: 97X4930 5CBX 001 2630 S33189*
- **Block 26:** [REDACTED] *is the maximum amount over the full 5-year life of the contract if all options are exercised.*

2. This document represents the basic contract against which delivery orders may be placed. Contract SPE2DS-21-D-0005 is the acceptance of TQM, LLC dba Two Rivers Medical's (TQM) proposal and all exchanges in response to solicitation SPE2DS-17-R-0002. The ordering period of the contract shall be from April 28, 2021 through April 27, 2026. This Fixed Price (with Economic Price Adjustment) Indefinite Delivery/Indefinite Quantity (IDIQ) contract with TQM is for various Medical/Surgical (med/surg) supplies to support the Foreign Military Sales (FMS) customer base.

3. The following documents are incorporated by reference:

- Solicitation SPE2DS-17-R-0002
- Amendments 0001-0007
- TQM's proposal, all exchanges and proposal revisions between March 14, 2019 and November 9, 2020

4. DLA Troop Support reserves the right to utilize this vehicle to support traditional requirements if the need should arise or the FMS initiative dissolves.

5. This contract will consist of a one-year Base Ordering Period and four (4) one-year unilateral Option Ordering Periods.

<u>Ordering Period</u>	<u>Effective Date</u>	<u>Expiration Date</u>
Base Period	4/28/2021	4/27/2022
Option Year 1	4/28/2022	4/27/2023
Option Year 2	4/28/2023	4/27/2024
Option Year 3	4/28/2024	4/27/2025
Option Year 4	4/28/2025	4/27/2026

6. The estimated value for the life of the contract is depicted in the table below:

<u>Contract Term</u>	<u>Estimated Value</u>
Base Period (1YR)	[REDACTED]
Option Year 1 (1YR)	
Option Year 2 (1YR)	
Option Year 3 (1YR)	
Option Year 4 (1YR)	
ESTIMATED 5 YEAR TOTAL	

7. The Guaranteed Minimum for the life of the 5-year contract is **\$2,500.00**.

Part 12 Clauses (CONTINUED)

8. The Contract Maximum for the life of the 5-year contract is [REDACTED]
9. The minimum order amount for shipment of all delivery orders is \$0.01.
10. The maximum order limitation for orders is [REDACTED] which is the contract maximum.
11. TQM's Small Business Subcontracting plan entitled "SMALL BUSINESS SUBCONTRACTING PLAN.pdf" is hereby incorporated by reference.
12. TQM is registered in the System for Award Management (SAM) at www.sam.gov under the appropriate Data Universal Numbering System (DUNS 88-301-2874) and Cage Code (0ZSM5). Their SAM registration expires on January 28, 2022. TQM is required to keep their SAM registration current throughout the life of the contract
13. All delivery orders under this contract will be F.O.B. origin requiring Inspection and Acceptance at source by FDA/DLA Troop Support or Certificate of Conformance provided by TQM if so authorized by DLA Troop Support in accordance with the Statement of Work.
14. **Price Evaluation List (PEL) items:** The items in the below table will remain on the contract for its duration and the prices will be subject to an annual Economic Price Adjustment (EPA) adjustment in accordance with the EPA clauses in this solicitation. The award price or the award price plus EPA if an option is exercised will act as the "not to exceed" maximum price a vendor can offer for this item on any Request For Offer (RFO) issued under this contract as well as the price for all orders below the micro-purchase threshold if the government so chooses to place the order in accordance with the solicitation.
- [REDACTED]

15. Subject contract incorporates the following clauses:

**52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT
STATUTES OR EXECUTIVE ORDERS--COMMERCIAL ITEMS (OCT 2020)**

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to

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Part 12 Clauses (CONTINUED)

acquisitions of commercial items:

(1) **52.203-19**, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(2) **52.204-23**, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (SEP 2019) (Section 1634 of Pub. L. 115-91).

(3) **52.204-25**, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (AUG 2020) (Section 89(a)(1)(A) of Pub. L. 115-232).

(4) **52.209-10**, Prohibition on Contracting with Inverted Domestic Corporations (NOV 2015)

(5) **52.233-3**, Protest after Award (AUG 1996) (31 U.S.C. 3553).

(6) **52.233-4**, Applicable Law for Breach of Contract Claim (OCT 2004) (Public Laws 108-77, 108-78 (19 U. S.C. 3805 note)).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the contracting officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

☒ (1) **52.203-6**, Restrictions on Subcontractor Sales to the Government (JUN 2020) 2020), with Alternate I (OCT 1995) (41 U.S.C. 4704 and 10 U.S.C. 2402).

☒ (2) **52.203-13**, Contractor Code of Business Ethics and Conduct (JUN 2020) (41 U.S.C. 3509).

☐ (3) **52.203-15**, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (JUN 2010) (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)

☒ (4) **52.204-10**, Reporting Executive Compensation and First-Tier Subcontract Awards (JUN 2020) (Pub. L. 109-282) (31 U.S.C. 6101 note).

☐ (5) [Reserved].

☐ (6) **52.204-14**, Service Contract Reporting Requirements (OCT 2016) (Pub. L. 111-117, section 743 of Div. C.);

☐ (7) **52.204-15**, Service Contract Reporting Requirements for Indefinite-Delivery Contracts (OCT 2016) (Pub. L. 111-117, section 743 of Div. C.);

☒ (8) **52.209-6**, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (JUN 2020) (31 U.S.C. 6101 note).

☒ (9) **52.209-9**, Updates of Publicly Available Information Regarding Responsibility Matters (OCT 2018) (41 U.S.C. 2313).

☐ (10) [Reserved].

☐ (11) (i) **52.219-3**, Notice of HUBZone Set-Aside or Sole-Source Award (Class Deviation 2020-O0008) (MAR 2020) (15 U.S.C. 657a).

(ii) **Alternate I** (MAR 2020) of 52.219-3.

☒ (12) (i) **52.219-4**, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Class Deviation 2020-O0008) (MAR 2020) (if the offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C. 657a).

(ii) **Alternate I** (MAR 2020) of 52.219-4.

☐ (13) [Reserved]

☐ (14) (i) **52.219-6**, Notice of Total Small Business Set-Aside (Class Deviation 2020-O0008) (MAR 2020) (15 U.S.C. 644).

☐ (ii) **Alternate I** (Class Deviation 2020-O0008) (MAR 2020) of 52.219-6

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- ___ (15) (i) **52.219-7**, Notice of Partial Small Business Set-Aside (Class Deviation 2020-O0008) (MAR 2020) (15 U.S.C. 644).
- ___ (ii) **Alternate I** (Class Deviation 2020-O0008) (MAR 2020) of 52.219-7
- ___ (16) **52.219-8**, Utilization of Small Business Concerns (OCT 2018) (15 U.S.C. 637 (d)(2) and (3)).
- X (17) (i) **52.219-9**, Small Business Subcontracting Plan (JUN 2020) (15 U.S.C. 637 (d)(4)).
- ___ (ii) **Alternate I** (NOV 2016) of 52.219-9
- ___ (iii) **Alternate II** (NOV 2016) of 52.219-9
- X (iv) **Alternate III** (JUN 2020) of 52.219-9
- ___ (v) **Alternate IV** (Class Deviation 2019-O0005 Revision 1) (JAN 2019) of 52.219-9
- ___ (18) (i) **52.219-13**, Notice of Set-Aside of Orders (MAR 2020) (15 U.S.C. 644(r)).
- ___ (ii) **Alternate I** (MAR 2020) of 52.219-13
- ___ (19) **52.219-14**, Limitations on Subcontracting (Class Deviation 2020-O0008) (MAR 2020) (15 U.S.C. 637(a)(14)).
- X (20) **52.219-16**, Liquidated Damages --Subcontracting Plan (JAN 1999) (15 U.S.C. 637(d)(4)(F)(i)).
- ___ (21) **52.219-27**, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Class Deviation 2020-O0008) (MAR 2020) (15 U.S.C. 657f).
- X (22) (i) **52.219-28**, Post Award Small Business Program Representation (MAY 2020) (15 U.S.C. 632(a)(2)).
- ___ (ii) **Alternate I** (MAR 2020) of 52.219-28
- ___ (23) **52.219-29**, Notice of Set-Aside for, or Sole Source Award to, Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns (Class Deviation 2020-O0008) (MAR 2020) (15 U.S.C. 637(m)).
- ___ (24) **52.219-30**, Notice of Set-Aside for, or Sole Source Award to, Women-Owned Small Business (WOSB) Concerns Eligible Under the WOSB Program (Class Deviation 2020-O0008) (MAR 2020) (15 U.S.C. 637(m)).
- ___ (25) 52.219-32, Orders Issued Directly Under Small Business Reserves (Mar 2020) ([15 U.S.C. 644\(r\)](#)).
- ___ (26) 52.219-33, Nonmanufacturer Rule (Class Deviation 2020-O0008) (Mar 2020) ([15 U.S.C. 637\(a\)\(17\)](#)).
- X (27) **52.222-3**, Convict Labor (JUN 2003) (E.O. 11755).
- X (28) **52.222-19**, Child Labor --Cooperation with Authorities and Remedies (Class Deviation 2020-O0019) (JUL 2020) (E.O. 13126).
- X (29) **52.222-21**, Prohibition of Segregated Facilities (APR 2015).
- X (30)(i) **52.222-26**, Equal Opportunity (SEP 2016) (E.O. 11246).
- ___ (ii) **Alternate I** (FEB 1999) of 52.222-26.
- X (31)(i) **52.222-35**, Equal Opportunity for Veterans (JUN 2020) (38 U.S.C. 4212).
- ___ (ii) **Alternate I** (July 2014) of 52.222-35.
- X (32)(i) **52.222-36**, Affirmative Action for Workers with Disabilities (JUN 2020) (29 U.S.C. 793).
- ___ (ii) **Alternate I** (JULY 2014) of 52.222-36.
- X (33) **52.222-37**, Employment Reports on Veterans (J) (38 U.S.C. 4212).
- X (34) **52.222-40**, Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (E.O. 13496).
- X (35)(i) **52.222-50**, Combating Trafficking in Persons (OCT 2020) (22 U.S.C. chapter 78 and E.O. 13627).
- ___ (ii) **Alternate I** (MAR 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).
- X (36) **52.222-54**, Employment Eligibility Verification (OCT 2015). (Executive Order 12989). (Not

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Part 12 Clauses (CONTINUED)

applicable to the acquisition of commercially available

off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)

___ (37) (i) **52.223-9**, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (May 2008) (42 U.S.C. 6962(c)(3)(A)(ii)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

___ (ii) **Alternate I** (May 2008) of 52.223-9 (42 U.S.C. 6962(i)(2)(C)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

 X (38) **52.223-11**, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (Jun 2016) (E.O.13693).

___ (39) **52.223-12**, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (Jun 2016) (E.O. 13693).

___ (40)(i) **52.223-13**, Acquisition of EPEAT® -Registered Imaging Equipment (Jun 2014) (E.O.s 13423 and 13514)

___ (ii) **Alternate I** (Oct 2015) of 52.223-13.

___ (41)(i) **52.223-14**, Acquisition of EPEAT® -Registered Television (Jun 2014) (E.O.s 13423 and 13514).

___ (ii) **Alternate I** (Jun 2014) of 52.223-14.

___ (42) **52.223-15**, Energy Efficiency in Energy-Consuming Products (MAY 2020) (42 U.S.C. 8259b).

___ (43)(i) **52.223-16**, Acquisition of EPEAT® -Registered Personal Computer Products (Oct 2015) (E.O. s 13423 and 13514).

___ (ii) **Alternate I** (Jun 2014) of 52.223-16.

 X (44) **52.223-18**, Encouraging Contractor Policies to Ban Text Messaging while Driving (JUN 2020) (E.O. 13513).

 X (45) **52.223-20**, Aerosols (Jun 2016) (E.O. 13693).

___ (46) **52.223-21**, Foams (Jun 2016) (E.O. 13696).

___ (47) (i) **52.224-3**, Privacy Training (JAN 2017) (5 U.S.C. 552a).

___ (ii) **Alternate I** (JAN 2017) of 52.224-3.

___ (48) **52.225-1**, Buy American--Supplies (May 2014) (41 U.S.C. chapter 83).

___ (49) (i) **52.225-3**, Buy American--Free Trade Agreements--Israeli Trade Act (May 2014) (41 U.S.C. chapter 83, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, 19 U.S.C. 4001 note, Pub. L. 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43).

___ (ii) **Alternate I** (May 2014) of 52.225-3.

___ (iii) **Alternate II** (May 2014) of 52.225-3.

___ (iv) **Alternate III** (May 2014) of 52.225-3.

___ (50) **52.225-5**, Trade Agreements (AUG 2018) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).

 X (51) **52.225-13**, Restrictions on Certain Foreign Purchases (Jun 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

___ (52) **52.225-26**, Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

___ (53) **52.226-4**, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150).

___ (54) **52.226-5**, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).

___ (55) **52.232-29**, Terms for Financing of Purchases of Commercial Items (Feb 2002) (41 U.S.C. 4505), 10 U.S.C. 2307(f)).

___ (56) **52.232-30**, Installment Payments for Commercial Items (JAN 2017) (41 U.S.C. 4505, 10 U.S.

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C. 2307(f)).

 X (57) **52.232-33**, Payment by Electronic Funds Transfer -- System for Award Management (OCT 2018) (31 U.S.C. 3332). (58) **52.232-34**, Payment by Electronic Funds Transfer --Other Than System for Award Management (Jul 2013) (31 U.S.C. 3332). (59) **52.232-36**, Payment by Third Party (May 2014) (31 U.S.C. 3332). (60) **52.239-1**, Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a). X (61) **52.242-5**, Payments to Small Business Subcontractors (JAN 2017) (15 U.S.C. 637(d) (12)). (62) (i) **52.247-64**, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx 1241(b) and 10 U.S.C. 2631). (ii) **Alternate I** (APR 2003) of 52.247-64. (iii) **Alternate II** (FEB 2006) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

 (1) **52.222-41**, Service Contract Labor Standards (AUG 2018) (41 U.S.C. chapter 67). (2) **52.222-42**, Statement of Equivalent Rates for Federal Hires (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67). (3) **52.222-43**, Fair Labor Standards Act and Service Contract Labor Standards -- Price Adjustment (Multiple Year and Option Contracts) (AUG 2018) (29 U.S.C.206 and 41 U.S.C. chapter 67). (4) **52.222-44**, Fair Labor Standards Act and Service Contract Labor Standards -- Price Adjustment (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67). (5) **52.222-51**, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (May 2014) (41 U.S.C. chapter 67). (6) **52.222-53**, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Requirements (May 2014) (41 U.S.C. chapter 67). (7) **52.222-55**, Minimum Wages under Executive Order 13658 (Dec 2015) (E.O. 13658). (8) **52.222-62**, Paid Sick Leave under Executive Order 13706 (JAN 2017) (E.O. 13706). (9) **52.226-6**, Promoting Excess Food Donation to Nonprofit Organizations. (JUN 2020) (42 U.S.C. 1792).

(d) *Comptroller General Examination of Record* The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records -- Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

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Part 12 Clauses (CONTINUED)

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e) (1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause --

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (JUN 2020) (41 U.S.C. 3509).

(ii) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(iii) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services

Developed or Provided by Kaspersky Lab and Other Covered Entities (JUL 2018) (Section 1634 of Pub. L. 115-91).

(iv) 52.2014-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2020) (Section 889(a)(1)(A) of Pub, L 115-232)

(v) 52.219-8, Utilization of Small Business Concerns (OCT 2018) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds the applicable threshold specified in FAR 19.702(a) on the date of subcontract award, the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(vi) 52.222-21, Prohibition of Segregated Facilities (Apr 2015).

(vii) 52.222-26, Equal Opportunity (Sep 2016) (E.O. 11246).

(viii) 52.222-35, Equal Opportunity for Veterans (JUN 2020) (38 U.S.C. 4212).

(ix) 52.222-36, Equal Opportunity for Workers with Disabilities (JUN 2020) (29 U.S.C. 793).

(x) 52.222-37, Employment Reports on Veterans (JUN 2020) (38 U.S.C. 4212).

(xi) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.

(xii) 52.222-41, Service Contract Labor Standards (AUG 2018), (41 U.S.C. chapter 67).

(xiii) X (A) 52.222-50, Combating Trafficking in Persons (OCT 2020) (22 U.S.C. chapter 78 and E.O. 13627).

 (B) Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 E.O. 13627).

(xiv) 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (May 2014) (41 U.S.C. chapter 67.)

(xv) 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Requirements (May 2014) (41 U.S.C. chapter 67)

(xvi) 52.222-54, Employment Eligibility Verification (Oct 2015) (E. O. 12989).

(xvii) 52.222-55, Minimum Wages under Executive Order 13658 (Dec 2015).

(xviii) 52.222-62, Paid Sick Leave Under Executive Order 13706 (JAN 2017) (E.O. 13706).

(xix) 52.224-3, Privacy Training (JAN 2017) (5 U.S.C. 552a).

(A) Alternate I (JAN 2017) of 52.224-3.

(xx) 52.225-26, Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

(xxi) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (JUN 2020) (42 U.S.C.

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Part 12 Clauses (CONTINUED)

1792). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6. (xxii) 52.247-64, Preference for Privately-Owned U.S. Flag Commercial Vessels (Feb 2006) (46 U.S. C. Appx 1241(b) and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the Contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of Clause)

2. The Contractor shall comply with any clause that is checked on the following list which, if checked, is included in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components.

☒ FAR 52.203-3, Gratuities (APR 1984)

☐ FAR 52.204-7 System for Award Management (OCT 2018)

☒ DFARS 252.203-7000, Requirements Relating to Compensation of Former DoD Officials (SEP 2011)

☒ DFARS 252.203-7003, Agency Office of the Inspector General (DEC 2012)

☒ DFARS [252.203-7005](#), Representation Relating to Compensation of Former DoD Officials (NOV 2011)

☒ DFARS [252.204-7012](#), Safeguarding Covered Defense Information and Cyber Incident Reporting (DEC 2019)

☐ DFARS [252.204-7013](#), Limitations on the Use or Disclosure of Information by Litigation Support Offerors (MAY 2016)

☐ DFARS [252.204-7014](#), Limitations on the Use or Disclosure of Information by Litigation Support Contractors (MAY 2016)

☒ DFARS [252.204-7015](#), Notice of Authorized Disclosure of Information for Litigation Support (MAY 2016)

☒ DFARS 252.205-7000, Provision of Information to Cooperative Agreement Holders (DEC 1991)

☐ DFARS [252.211-7003](#), Item Unique Identification and Valuation (MAR 2016)

☐ DFARS [252.211-7006](#), Passive Radio Frequency Identification (MAR 2018)

☐ DFARS [252.211-7007](#), Reporting of Government-Furnished Property (AUG 2012)

☐ DFARS 252.212-7002, Pilot Program for Acquisition of Military-Purpose Nondevelopmental Items (JUN 2016)

☐ DFARS [252.215-7003](#), Requirements for Submission of Data Other Than Certified Cost or Pricing Data --Canadian Commercial Corporation (JUL 2012)

☐ DFARS [252.215-7004](#), Requirement for Submission of Data other Than Certified Cost or Pricing

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Part 12 Clauses (CONTINUED)

Data --Modifications --Canadian Commercial Corporation (OCT 2013)

_____ DFARS [252.215-7007](#), Notice of Intent to Resolicit (JUN 2012)

___X___ DFARS [252.215-7008](#), Only One Offer (JUN 2019)

___X___ DFARS 252.219-7003, Small Business Subcontracting Plan (DoD Contracts) - Basic (DEC 2019)

a. _____ Alternate I (DEC 2018) of 252.219-7003 (DEC 2019)

_____ DFARS [252.219-7004](#), Small Business Subcontracting Plan (Test Program) (MAY 2019)

_____ DFARS [252.223-7008](#), Prohibition of Hexavalent Chromium (JUN 2013)

_____ DFARS [252.225-7000](#), Buy American --Balance of Payments Program Certificate (NOV 2014)

a. _____ Alternate I (NOV 2014) of 52.225-7000

_____ DFARS 252.225-7001, Buy American and Balance of Payments Program - Basic (DEC 2017)

a. _____ Alternate I (DEC 2017) of 252.225-7001

_____ DFARS 252.225-7008, Restriction on Acquisition of Specialty Metals (DEC 2014)

_____ DFARS 252.225-7009, Restriction on Acquisition of Certain Articles Containing Specialty Metals (DEC 2019)

_____ DFARS [252.225-7010](#), Commercial Derivative Military Article --Specialty Metals Compliance Certificate (JUL 2009)

___X___ DFARS 252.225-7012, Preference for Certain Domestic Commodities (DEC 2017)

_____ DFARS 252.225-7015, Restriction on Acquisition of Hand or Measuring Tools (JUN 2005)

_____ DFARS 252.225-7016, Restriction on Acquisition of Ball and Roller Bearings (JUN 2011)

_____ DFARS [252.225-7017](#), Photovoltaic Devices (JUL 2020)

_____ DFARS [252.225-7018](#), Photovoltaic Devices --Certificate (JUL 2020)

___X___ DFARS [252.225-7020](#), Trade Agreements Certificate (NOV 2014)

a. _____ Alternate I (NOV 2014) of 252.225-7020

___X___ DFARS 252.225-7021, Trade Agreements (JUL 2020)

a. _____ Alternate II (JUL 2020) of 252.225-7021

_____ DFARS [252.225-7023](#), Preference for Products or Services from Afghanistan (SEP 2013)

_____ DFARS [252.225-7024](#), Requirement for Products or Services from Afghanistan (SEP 2013)

_____ DFARS [252.225-7026](#), Acquisition Restricted to Products or Services from Afghanistan (SEP 2013)

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Part 12 Clauses (CONTINUED)

☒ DFARS 252.225-7027, Restriction on Contingent Fees for Foreign Military Sales (APR 2003)

☒ DFARS 252.225-7028, Exclusionary Policies and Practices of Foreign Governments (APR 2003)

☐ DFARS [252.225-7029](#), Acquisition of Uniform Components for Afghan Military or Afghan National Police (SEP 2013)

☒ DFARS [252.225-7031](#), Secondary Arab Boycott of Israel (JUN 2005)

☐ DFARS [252.225-7035](#), Buy American --Free Trade Agreements --Balance of Payments Program Certificate (JUL 2020)

a. ☐ Alternate II (JUL 2020) of 252.225-7035

b. ☐ Alternate IV (JUL 2020) of 252.225-7035

c. ☐ Alternate V (JUL 2020) of 252.225-7035

☐ DFARS 252.225-7036, Buy American --Free Trade Agreements--Balance of Payment Program - Basic (JUL 2020)

a. ☐ Alternate II (JUL 2020) of 252.225-7036

b. ☐ Alternate IV (JUL 2020) of 252.225-7036

c. ☐ Alternate V (DEC 2017) of 252.225-7036

☐ DFARS [252.225-7040](#), Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States (AUG 2015)

☐ DFARS [252.225-7043](#), Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States (JUN 2015)

☒ (Class Deviation 2020-O0006) DFARS 252.225-7052, Restrictions on the Acquisition of Certain Magnets and Tungsten (FEB 2020)

☒ DFARS 252.226-7001, Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (APR 2019)

☐ DFARS 252.227-7013, Rights in Technical Data - Noncommercial Items (FEB 2014)

☐ DFARS 252.227-7015, Technical Data -- Commercial Items (FEB 2014)

☐ DFARS 252.227-7037, Validation of Restrictive Markings on Technical Data (SEP 2016),

☒ DFARS 252.232-7003, Electronic Submission of Payment Requests and Receiving Reports (DEC 2018)

☐ DFARS [252.232-7009](#), Mandatory Payment by Governmentwide Commercial Purchase Card (MAY 2018)

☒ DFARS [252.232-7010](#), Levies on Contract Payments (DEC 2006)

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Part 12 Clauses (CONTINUED)

_____ DFARS [252.232-7011](#), Payments in Support of Emergencies and Contingency Operations (MAY 2013)

_____ DFARS 252.237-7010, Prohibition on Interrogation of Detainees by Contractor Personnel (JUN 2013)

_____ DFARS 252.237-7019, Training for Contractor Personnel Interacting with Detainees (JUN 2013)

_____ DFARS [252.239-7017](#), Notice of Supply Chain Risk (FEB 2019)

_____ DFARS [252.239-7018](#), Supply Chain Risk (FEB 2019)

 X DFARS 252.243-7002, Requests for Equitable Adjustment (DEC 2012)

 X DFARS [252.244-7000](#), Subcontracts for Commercial Items (JUN 2013)

_____ DFARS [252.246-7003](#), Notification of Potential Safety Issues (JUN 2013)

_____ DFARS 252.246-7004, Safety of Facilities, Infrastructure, and Equipment for Military Operations (OCT 2010)

_____ DFARS 252.247-7003, Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (JUN 2013)

_____ DFARS [252.247-7022](#), Representation of Extent of Transportation by Sea (AUG 1992)

 X DFARS 252.247-7023, Transportation of Supplies by Sea (FEB 2019).

a. _____ Alternate I (FEB 2019) of 252.247-7023.

b. _____ Alternate II (FEB 2019) of 252.247-7023

_____ DFARS [252.247-7025](#), Reflagging or Repair Work (JUN 2005)

_____ DFARS [252.247-7026](#), Evaluation Preference for Use of Domestic Shipyards - Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade (NOV 2008)

_____ DFARS 252.247-7027, Riding Gang Member Requirements (MAY 2018)

_____ DFARS [252.247-7028](#), Application for U.S Government Shipping Documentation/Instructions (JUN 2012)

In addition to the clauses listed in paragraph (e) of FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items, the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

DFARS 252.227-7013, Rights in Technical Data - Noncommercial Items (FEB 2014)

DFARS 252.227-7015, Technical Data - Commercial Items (JAN 2020)

DFARS 252.227-7037, Validation of Restrictive Markings on Technical Data (SEP 2016)

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Part 12 Clauses (CONTINUED)

DFARS 252.237-7010, Prohibition on Interrogation of Detainees by Contractor Personnel (JUN 2013)

DFARS 252.237-7019, Training for Contractor Personnel Interacting with Detainees (JUN 2013)

DFARS 252.247-7003, Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (JUN 2013)

DFARS 252.247-7023, Transportation of Supplies by Sea (FEB 2019)